

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
BINGHAMTON DIVISION**

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DAVID POTTER, on behalf of himself and  
others similarly situated,

Plaintiff,

v.

TIOGA DOWNS RACETRACK, LLC,

Defendant.

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Civil Action No.: 3:22-cv-00869-TJM-ML

**NOTICE OF FILING SECOND  
AMENDED COMPLAINT WITH  
CONSENT**

Pursuant to the Court's instruction at the November 22, 2022, Case Management Conference, Plaintiff notifies the Court that the Second Amended Complaint filed concurrently herewith has been submitted with Defendant's written consent pursuant to Fed. R. Civ. P. 15(a)(2).

Respectfully submitted,

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Attorney for Plaintiff

Dated: November 28, 2022